

FILED
DISTRICT COURT OF GUAM
NOV 20 2006 *mp*
MARY L.M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM

TERRITORY OF GUAM

FLORENCIA Q. LEWIS,

Civil Case No. 05-00026

Plaintiff,

vs.

UNITED STATES OF AMERICA,

MINUTES

Defendant.

☐ SCHEDULING CONFERENCE ☒ PRELIMINARY PRETRIAL CONFERENCE
(November 20, 2006, at 9:12 a.m.)

☐ FINAL PRETRIAL CONFERENCE ☐ STATUS CONFERENCE

Notes: Attorney Wayson W. S. Wong appeared on behalf of the Plaintiff via telephone conference. Appearing on behalf of the United States of America was Assistant U.S. Attorney Mikel Schwab.

Judge Manibusan inquired whether the trial will go forward as scheduled on December 11, 2006. Mr. Wong noted that counsel had submitted a proposed First Amended Scheduling Order and Discovery Plan which anticipated a continuance of the trial date from December 2006 to July 23, 2007. Mr. Wong explained that counsel have been diligent in their attempts to complete discovery, but unfortunately the parties still needed to conduct further depositions. Mr. Wong stated many of the witnesses are no longer working at Tripler Army Medical Center in Honolulu, Hawaii since they were transferred to other locations throughout the world following the alleged incident. In order to minimize the cost of traveling to these various

1 places to conduct depositions, Mr. Schwab stated in July 2006 the parties began coordinating
2 with U.S. Attorney offices throughout the country to use these facilities to conduct video-
3 conference depositions. Video-conference depositions of witnesses in foreign countries,
4 however, has been difficult to arrange because the parties have been unable to get video-feed
5 assistance from the United States military due to the strict security concerns and requirements.
6 Counsel anticipated concluding the depositions of the percipient witnesses by the end of January
7 2007, but they also agreed their respective experts would need at least two (2) months thereafter
8 to complete their reports, thus resulting in a trial date in July 2007.

9 Judge Manibusan and counsel discussed the upcoming depositions of Dr. Patrico Rosa,¹
10 Dr. Theodore Llanso,² and Gerald Ross.³ Judge Manibusan explained that based on the
11 scheduling needs of the Court, the instructions from the Chief District Judge's chamber staff that
12 a continuance should not be granted beyond April 16, 2007, and the policy directives of the
13 Administrative Office of the United States Courts, the Court would have to deny the requested
14 extension at this time. Judge Manibusan stated the Scheduling Order and Discovery Plan would
15 be amended as follows:

- 16 ▶ Discovery cutoff date: January 19, 2007
- 17 ▶ Discovery motions deadline: January 26, 2007
- 18 ▶ Dispositive motions deadline: February 9, 2007
- 19 ▶ Filing of Trial Briefs: March 16, 2007
- 20 ▶ Preliminary Pretrial Conference: March 26, 2007, at 9:00 a.m.
- 21 ▶ Pretrial Materials Filing/Submission Deadline: April 2, 2007

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23 ¹ According to Mr. Wong, Dr. Rosa resides in Florida and is a vascular surgeon who saw the
24 Plaintiff during her second hospitalization. The parties believe Dr. Rosa will be both a percipient
and an expert witness.

25 ² Mr. Wong represented that at the time of the alleged incident, Dr. Llanso was a resident
26 who accompanied Dr. Varma, the principal treating physician. According to the parties, Dr. Llanso
is presently stationed in Germany.

27 ³ Mr. Wong stated that Mr. Ross was one of two ICU nurses that took detailed notes of the
28 Plaintiff's hospitalization and condition. The parties believe Mr. Ross resides in Washington, D.C.

- Trial: April 16, 2007, at 9:00 a.m.

Mr. Wong requested that he be permitted to appear telephonically at the above-scheduled Preliminary Pretrial Conference, since he was not scheduled to be on island on said date. Judge Manibusan granted his request.

Counsel were reminded that if they still believed a further extension of the trial date was warranted, they must file a written motion or stipulation requesting such relief prior to the discovery cut-off date.

The Preliminary Pretrial Conference concluded at 9:35 a.m.

Dated: November 20, 2006.

Judith P. Hattori
Law Clerk